

REMARKS

Applicant has amended claims 22, 23, 37 and 39. Claims 1-40 are pending in the present application. Reexamination and reconsideration of the application, as amended, is respectfully requested.

Examiner has objected to Figure 3 under 37 C.F.R. §1.83(a) because it fails to show “superior pull ring 104” and “superior release wire 106” as described in the specification. However, Applicant respectfully submits that “superior pull ring 104” is shown and labeled in Figure 3. Applicant has amended Figure 2 by adding reference numeral 106 directed to the “superior release wire.” The specification at page 24, lines 1-2, describes the “superior release wire 106” as being shown in Figure 2.

Examiner has further rejected claims 23, 37 and 39 under 35 U.S.C. §112, second paragraph, as being indefinite. Applicant believes that the amendment to claim 23 now provides proper antecedent basis for “the release wire.” Moreover, in response to the §112 rejection, claim 37 has been amended by replacing “snare catheter” with “snare guidewire” and claim 39 has been amended by replacing “the third pullwire” with “the third release wire.” Additionally, claim 22 has also been amended by replacing “attachment” with “positioning.”

Further, claim 24 has been rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Applicant respectfully submits that “a hollow metal cylinder attached within the main catheter and encompassing at least a portion of the bifurcated graft” is indeed disclosed in the specification as a catheter ring 120 found at page 26, lines 4-7. Also, Figure 2 shows the catheter ring 120 encompassing a portion of the bifurcated graft.

Next, Examiner has rejected claims 1-40 under 35 U.S.C. §102(b) as being anticipated by Quiachon et al., U.S. Patent No. 5,628,783. However, Applicant believes that independent claim 1 is not anticipated by Quiachon because claim 1 recites that the main catheter has an inner diameter measuring less than seven millimeters. Quiachon does not disclose that the main catheter has an inner diameter less than seven millimeters. Applicant also believes that independent claims 25 and 38 are not anticipated by Quiachon because both claims 25 and 38 include a first and a second release wire, whereas Quiachon describes having only one pullwire. Applicant has amended independent claim 37 to recite that the third catheter is “folded and contained entirely within the first catheter.” It is respectfully submitted, however, that Quiachon does not teach a third catheter that is folded and contained entirely within a first catheter. Therefore, Applicant believes that claims 1-40 are not anticipated by Quiachon.

Examiner has also rejected claims 1-6, 11-13, 15, 19, 21, 25-31, 33 and 36 under 35 U.S.C. §102(b) as being anticipated by Piplani et al., U.S. Patent No. 5,489,295. Claim 1 includes a system for intraluminally delivering a bifurcated graft having among other things, a set of attaching mechanisms capable of attaching the superior member, the ipsilateral member, and the contralateral member to the vessel wall. Piplani on the other hand discloses that the second leg or contralateral member has separate attachment means that are later deployed. Therefore, Applicant believes that claim 1 and its dependent claims are not anticipated by Piplani.

Claim 25 includes a system for placing a graft in a lumen having among other things, a third anchoring mechanism attached to the contralateral inferior extremity, and a first and second release wire. As already discussed, Piplani does not have an anchoring mechanism attached to

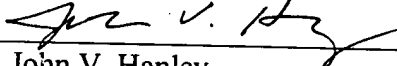
the contralateral member, and further, Piplani does not disclose having a first and a second release wire. Therefore, Applicant believes that claim 25 and its dependent claims also are not anticipated by Piplani.

This paper operates to amend the drawings and claims. Attached hereto is a marked-up version of the changes made. The attached page is captioned "**Version With Markings To Show Changes Made**".

In view of the foregoing, Applicant respectfully submits that all claims are now in condition for allowance. Reexamination and reconsideration of the application, as amended, are respectfully requested and allowance at an early date is solicited.

Respectfully submitted,

FULWIDER PATTON LEE & UTECHT, LLP

By: 
John V. Hanley
Registration No. 38,171

JVH/DRP/kst
Howard Hughes Center
6060 Center Drive, Tenth Floor
Los Angeles, California 90045
Tel.: (310) 824-5555
Fax: (310) 824-9696
#235164.1

Version With Markings to Show Changes Made

IN THE CLAIMS

Please amend the claims as follows:

22. (Amended) The system of claim 21 wherein the set of [attachment] positioning mechanisms further includes a hollow cylinder extending throughout the secondary catheter and removably positioned within the contralateral member of the bifurcated graft.

23. (Amended) The system of claim 22 wherein the expandable anchor is self-expanding and [the release wire] the set of attaching mechanisms further include a release wire which releasably constricts the expandable anchor in an unexpanded condition.

37. (Amended) A method of positioning a bifurcated graft across a vascular
5 bifurcation formed by an upstream vessel a first down stream vessel and a second downstream vessel using a bifurcated graft delivery system having a first catheter, a bifurcated graft formed by an upstream duct, a first downstream duct and a second downstream duct, disposed within the first catheter, a second catheter connected to the first downstream duct and disposed within the first catheter, and a third catheter connected to the second downstream duct and folded and
10 contained entirely within the first catheter, and a snare guidewire comprising the steps of:

advancing the delivery system through the first downstream vessel and into the upstream vessel;

withdrawing the first catheter such that the bifurcated graft, the second catheter and the third catheter are exposed within the upstream vessel;

5 unfolding the third catheter;

advancing the snare guidewire through the second downstream vessel;

snaring the third catheter with the snare [catheter] guidewire;

pulling the first downstream duct into the first downstream vessel by withdrawing the second catheter; and

10 pulling the second downstream duct into the second downstream vessel by withdrawing the third catheter.

39. (Amended) The method of claim 38, wherein

the third expandable anchoring mechanism is self-expanding;

15 the bifurcated graft delivery system further includes a third release wire releasably fastened to the third expandable anchoring mechanism such that the third expandable anchoring mechanism is maintained in an unexpanded state; and

the anchoring the upstream duct step includes releasing the third [pullwire] release wire from the third downstream expandable mechanism whereby the third expandable
20 anchoring mechanism expands into the upstream vessel.